

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 185

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO URBAN RENEWAL; AMENDING CHAPTER 29, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2903A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE ANNUAL BUDGET, PLAN TERMINATION AND STATEMENT OF EXCESS REVENUE ALLOCATION FUNDS; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 29, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 50-2903A, Idaho Code, and to read as follows:

50-2903A. ANNUAL BUDGET -- BUDGET FOR PLAN TERMINATION -- STATEMENT OF EXCESS REVENUE ALLOCATION FUNDS. (1) An agency shall, by September 30 of each calendar year, except as set forth in subsection (2) of this section, adopt and publish as described in section 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend its adopted budget using the same procedures as used for adoption of the budget.

(2) For the fiscal year that immediately predates the termination date for an urban renewal plan involving a revenue allocation area or will include the termination date, the agency shall, by September 1, adopt and publish a budget specifically for the projected revenues and expenses of the plan and make a determination as to whether the revenue allocation area can be terminated before January 1 of the termination year pursuant to the terms of section 50-2909(4), Idaho Code.

(3) In the event that the agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1, the agency shall adopt a resolution advising and notifying the local governing body, the county auditor and the state tax commission and recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year and declaring a surplus to be distributed as described in section 50-2909, Idaho Code, should a surplus be determined to exist. The agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho state tax commission as provided in section 63-215, Idaho Code. Upon notification of revenues sufficient to cover expenses as provided herein, the increment value of that revenue allocation area shall be included in the net taxable value of the appropriate taxing districts when calculating the subsequent property tax levies pursuant to section 63-803, Idaho Code. The increment value shall also be included in subsequent notification of taxable value for each taxing district pursuant to section 63-1312, Idaho Code, and subsequent certification of actual and adjusted market values for each school district pursuant to section 63-315, Idaho Code.

(4) An agency shall, by March 31 of each calendar year, prepare and adopt a revenue allocation funds statement identifying any revenue allo-

1 cation funds in excess of the amount of revenue allocation funds necessary  
 2 for the agency to meet its financial obligations as of September 30 of the  
 3 prior year. Any excess revenue allocation funds identified by the agency  
 4 in the statement shall be distributed pro rata to the taxing districts no  
 5 later than October 31. For purposes of this subsection: the term "financial  
 6 obligations" shall mean all agency indebtedness including bonds, notes and  
 7 any other obligations; contract obligations; working capital for operat-  
 8 ing expenses; capital improvements; and projects identified by the urban  
 9 renewal plan with sufficient specificity describing the project, time of  
 10 development and cost.

11 (a) The revenue allocation funds statement shall include:

12 (i) Description and amounts of all financial obligations;

13 (ii) Description and amounts of remaining improvements or  
 14 projects identified by the agency in the urban renewal plan with  
 15 sufficient specificity describing the project, time of develop-  
 16 ment and cost;

17 (iii) Identification of the estimated amount necessary to achieve  
 18 any adopted fiscal policies;

19 (iv) A statement evidencing any agency intent to amend to add ad-  
 20 ditional improvements or projects not identified in the urban re-  
 21 newal plan;

22 (v) A statement notifying of an agency's intent to terminate an  
 23 urban renewal plan as described in subsection (2) of this section.

24 (b) The agency shall, by April 30, prepare and publish a notice stat-  
 25 ing that the agency has prepared a revenue allocation funds statement  
 26 and the place where the notice can be viewed by the public. A copy of the  
 27 notice and of the revenue allocation funds statement shall be mailed to  
 28 the involved taxing districts, the mayor, the city council and any re-  
 29 questing party.

30 (c) Upon receipt of the April 30 notice and copy of the revenue allo-  
 31 cation funds statement, the city council shall publish notice for a  
 32 regular meeting whereat the council shall review the revenue allocation  
 33 funds statement and hold a hearing for public comment thereon. If the  
 34 council, by a two-thirds (2/3) vote, determines that additional excess  
 35 revenue allocation funds exist that were not identified by the agency  
 36 for distribution pro rata to the taxing districts, the council may order  
 37 those funds distributed in whole or in part pro rata to the taxing dis-  
 38 tricts.

39 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
 40 to be severable and if any provision of this act or the application of such  
 41 provision to any person or circumstance is declared invalid for any reason,  
 42 such declaration shall not affect the validity of the remaining portions of  
 43 this act.